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LETTER DATED 8 APRIL 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter which I addressed to the President of the Security Council on 19 February 1998 (S/1998/176). I set out the modalities for the conduct of technical evaluation meetings agreed to by the Commission and by Iraq. By that letter I also transmitted the reports of two such meetings. The first of these two reports related to the accounting for Iraq's special warheads for biological and chemical weapons and the second related to Iraq's activities in connection with the chemical agent VX.

The third technical evaluation meeting, dealing with all aspects of Iraq's biological weapons programme, was held in Vienna from 20 to 27 March 1998. I am now transmitting to the Council, for its information, the report which I have received on this third meeting (see annex). The report sets out the conclusions arrived at unanimously by the participants. As in the case of the previous technical evaluation meetings, the outline of the conclusions was conveyed to the Iraqi participants by the Commission's experts prior to their final formulation. I am also transmitting a copy of this letter with the same attachment today to the Government of Iraq.

(Signed) Richard BUTLER

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Annex

Report of the United Nations Special Commission's Team to the technical evaluation meeting on the proscribed biological warfare programme

(Vienna, 20-27 March 1998)*

1 April 1998

1. INTRODUCTION

1.1 According to the provisions of the Security Council Resolution 687 (1991), Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of all biological weapons and all stocks of biological agents and those related subsystems and components and all research, development, support and manufacturing facilities. Security Council Resolution 707 (1991) requires the provision of a 'Full, Final and Complete Disclosure'. Despite various Security Council Resolutions, Iraq continued to conceal its Biological Warfare (BW) programme. Since May 1992, a series of 'Full, Final and Complete Disclosures' (FFCDs) was submitted to the United Nations Special Commission (UNSCOM), the latest being submitted in September 1997. In 1995, Iraq acknowledged the existence of an offensive BW programme.

1.2 In September 1997, a panel of experts considered the September 1997 FFCD and expressed the view that the document was incomplete, inadequate and technically flawed. UNSCOM, in October 1997, reported to the Security Council that Iraq had not disclosed the full scope of its proscribed biological warfare programme.

1.3 In December 1997, the Executive Chairman of the Special Commission and the Deputy Prime Minister of Iraq agreed to conduct a technical evaluation meeting (TEM) to deal specifically with the issue of the proscribed BW programme.

2. PREPARATION

2.1 The Executive Chairman invited a number of Governments to nominate experts to participate in the BW TEM. Based on responses received, the Executive Chairman formed the Special Commission's team with experts from Australia, Brazil, Canada, China, France, Norway, Romania, Russian Federation, Sweden, Switzerland, Ukraine, United Kingdom, United States and three experts from the Office of the Special Commission originating from Austria, Germany and United States. A list of the team members is attached at Annex A.

2.2 Prior to the TEM, the Commission sent a dossier to Iraq containing all of Iraq's declarations on its biological warfare programme together with documents provided by Iraq to support its declarations. Where appropriate, official translations of Arabic documents were provided.

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* The annexes and appendices mentioned in the report are not attached.

2.3 The expert team assembled at the United Nations (UN) New York on Thursday 12 March 1998 and spent six days in preparation for the meeting, including four days of briefings. In the framework of the preparation, the members of the team had access to all information on Iraq's biological warfare programme available to the Commission. With this background information and after an assessment of Iraq's declarations, the team members composed a Commentary Note (Annex B) which was provided to the Iraqi delegation prior to the meeting. Iraq also provided a dossier to the TEM prior to the meeting.

3. CONDUCT OF THE TEM

3.1 The purpose of the TEM was to conduct, through open discussions with Iraq's delegation, an examination of all aspects of the proscribed BW programme to evaluate the technical issues of this programme and present an assessment to the Executive Chairman of UNSCOM.

3.2 The BW TEM was conducted at the UN Office in Vienna, Austria from 20-27 March 1998. Iraq's delegation (Annex C) was led by Lieutenant-General Amer Hammoodi Al Sa'adi. A preliminary meeting was held between the experts and Iraq's delegation on 19 March 1998. At this meeting, it was affirmed that Dr Åke Sellstrom would chair the TEM. It was agreed that the TEM agenda should essentially follow the sequence of chapters in the FFCD session by session. Iraq would start the TEM with an initial presentation and remarks on the written commentary provided by UNSCOM in its BW dossier. It was agreed that no comment on the TEM to the media would be made until the TEM was concluded.

3.3 The meeting also agreed that there would be a break of 24 hours on the penultimate day to allow both delegations to prepare their provisional concluding remarks. Comments were provided to the team's outline of provisional conclusions that were presented at the final session of the TEM on 27 March (Annex D).

3.4 Iraq's delegation participated in all discussions during the TEM. At the first session, General Amer Al-Sa'adi provided a precis of Iraq's BW programme. General Sa'adi introduced himself as the principal weapons expert in Iraq and stated he had the authority to speak on these issues. He then proceeded to give a critique on the team's commentary.

3.5 Iraq did not include within its technical team a full range of technical and managerial expertise to enable most of the technical issues to be fully examined. Iraq stated that it was unable to provide a more comprehensive delegation for financial and personal reasons. General Sa'adi chose personally to respond to most questions at the general and political level. Occasionally he chose those Iraqi experts present to contribute. Many technical issues raised, but not discussed, were deferred to resolution after the TEM. Many responses were explanations rather than definitive statements and did not represent technically coherent accounts.

3.6 The meeting was conducted in a professional manner in accord with the arrangements made initially.

4. TECHNICAL EVALUATION

4.1 GENERAL

4.1.1 The FFCD contains major mistakes, inconsistencies and gaps in information. In addition, the information concerning Iraq's BW programme has been selected before presentation in the FFCD, thus hindering the assessment of the BW programme. The FFCD should be a full and complete account and, consequently, should be a 'stand-alone' document. The FFCD also does not provide a clear understanding of the current status of the BW programme or whether, or when, it was terminated.

4.1.2 The interplay amongst acquisition, production and selection of weapons contradicts Iraq's assertion that there was no planning of the BW programme. The account of organizational and logistic issues as plans, decision-making and military concepts of use, is minimal. The current information on organisational aspects does not allow for an understanding of the scope of the BW programme.

4.2 HISTORY

4.2.1 Iraq has not provided the evolutionary aspects of the BW programme so that an overall understanding is gained. Whilst this is an overall history, and the intention was not to explore specifics, the complete paucity of information on the Al-Hazen Ibn Al Haithem Institute[1], relationships between different organisations and the alleged lack of documents are very disturbing. Further and completely consistent information is needed. The statement by Iraq of the lack of importance of the Al-Hazen Institute is not warranted.

4.2.2 Iraq has not provided an adequate account of the funding and budgetary arrangements established for the BW programme throughout its course.

4.2.3 Establishing when the offensive BW programme ceased is essential. Knowing when those involved stopped working in the BW programme, or were transferred elsewhere, is vital to this. Such proposals were made to Iraq's delegation.

4.3 SITES AND BUILDINGS

4.3.1 The Al-Hazen Institute and many sites of the later BW programme have not been included in the FFCD. The rationale given for the construction and acquisition of all sites is incomplete. Iraq attempted to marginalise and minimise the information on these sites on the grounds they were insignificant. Iraq agreed to include as an integral part of the FFCD diagrams of all sites related to any BW activities (from the first day of the implementation of the BW programme in Iraq). This is an authoritative chapter in the

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[1] The Al-Hazen Ibn Al Haitham Institute (Al-Hazen Institute) was a BW and CW research institute sponsored by an Iraqi intelligence agency.

FFCD and it is essential that it is both full and complete to allow for understanding of the program and future work on verification.

4.3.2 · There is a requirement for Iraq to provide the rationale, justification, and requirement for all sites including those for weapons tests, research and development, production, storage, weapons production and filling, deployment, and the destruction sites for weapons, documents and agents. Building diagrams must be provided where appropriate.

4.4 ORGANISATION

4.4.1 The general lack of information concerning the organization from the highest levels down, and their connections to functional organs, considerably hampers the ability to understand the scope of the past BW programme. Supporting documentation and consistent information, regarding programme organization and fund allocations, is needed.

4.4.2 Iraq claims that there was no support or organization involving the Ministry of Defence (MOD) and that there was no representation on the 'Military High Command' and the General Council of Ministers concerning any aspect of the BW programme. Iraq states that the Director-General of the Technical Research Centre (TRC)[2] reported to Hussain Kamel as head of the State Security Organ (SSO)[3], rather than Military Industrial Commission (MIC)[4]. In spite of this, Iraq forcefully denied any interaction between the BW programme and any Iraqi intelligence agencies; a disavowal the team felt was not plausible. The BW programme remains an area wherein all involvement of Defence, Health or other agencies with MIC and TRC is denied. Evidence exists which contradicts this. Iraq offered to clarify organization structures only within MIC.

4.4.3 Iraq maintained that the Al-Hazen Institute was a complete failure, was totally liquidated, and had no relationship with or was, in anyway, continued into the BW programme. Current information makes this assertion difficult to accept. The bottom-up control of the BW programme does not account for the degree of coordination evident as the programme progressed.

4.4.4 By contrast with the Al-Hazen Institute, which had a formal personnel recruitment programme for its BW activities, the following BW programme did not have such a formal arrangement according to Iraq. Iraq stated that promising people within the later BW programme were sent abroad for higher education yet there was no directive or directions to academic institutions to conduct research related to BW. The inadequate description of academic connections did not permit the team to make meaningful evaluation.

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[2] The Technical Research Centre (TRC), established in 1985 under an Iraqi intelligence agency, to which part of the BW programme was added in 1987.

[3] The State Security Organ (SSO) was under Hussain Kamel's command.

[4] The Military Industrial Commission (MIC) was nominally responsible for the TRC.

4.5 ACQUISITION

4.5.1 The FFCD is deficient in reporting the acquisition of supplies, material, microbiological isolates, munitions, and equipment. Iraq claims that all imports for the BW programme were reported. The system, however, used in the FFCD for determining what imports by Iraq to include or exclude among the declared acquisitions was shown to be without sound basis. Thus acquisitions, as measured by the number of orders including letters of credit and cash deals through attachés, are substantially under-reported. Without a complete accounting of all BW programme acquisitions, a material balance is not possible.

4.5.2 Substantial quantities of microbial growth media are not reported or included in the material balance. In addition, Iraq states that quantities of laboratory media, including those asserted to be for the Forensic Laboratory of the TRC, were not necessary to be reported in the FFCD. This accounts for under-reporting of some imports. Indeed, there appears to be no clear separation between laboratory media for the BW programme and that attributed for the Forensic Laboratory. Iraq did not include media imports used in the fungal research and production programme.

4.5.3 Acquisition and attempts to acquire specific microbiological isolates, either locally or abroad, are under-reported and poorly described. No rationale is given for the selection of specific strains obtained abroad. Acquisition of mycotoxin standards, and viral and fungal strains, is not included. Iraq claims that the virus strains are cited elsewhere in the FFCD and do not need to be included under acquisition. Knowledge in this area is one of the essential components required for a full understanding of the scope of Iraq's BW programme.

4.5.4 Iraq did not provide complete information on all its acquisition channels, including the Arabian Trading Company. Iraq promised to provide additional information in this area.

4.5.5 The possibility that Samarra Drug Industries was a procurement channel for BW programme related materials was rebutted with an explanation, which needs to be verified.

4.5.6 The numerical accounting of the media balance is flawed. The balance is based on estimates of both quantities of agent produced and the numbers of failed batches. There are insufficient documents to calculate a media balance. Thus, material balance of media is based on a set of estimated figures, which in turn rely on estimated and derived figures as well as under-reported acquisition of media. Consequently, material balance of microbiological growth media acquired, consumed, lost or remaining in 1991, cannot be determined.

4.6 RESEARCH AND DEVELOPMENT

4.6.1 The research and development session was not conducted at a scientific or technical level because the head of Iraq's delegation chose to answer most questions in a superficial

manner and frequently deflected the question. Consequently, little quantitative information was provided.

4.6.2 The start of research and the development of the BW programme is not clearly defined in the FFCD. The planning, management and development of the research programme must be presented in its totality to make it possible to understand the overall extent and purpose of the BW programme. This must include a description of the work undertaken at the Al-Hazen Institute and its impact on the later BW programme. Iraq claims that no conceptual or "paper" studies were undertaken.

4.6.3 The specific rationale behind the expansion of the BW programme up to 1991 is unclear and needs further explanations. This includes agent selection and research into aspects of toxicity and dissemination. As of yet, no single individual assumes responsibility for initiating and co-ordinating research and development. The role of the MIC Technical Department in planning and acquiring research proposals is not clear.

4.6.4 Iraq portrayed the various researchers as in-experienced, or even incompetent. Paradoxically, the BW programme, involving the same people, managed to reach tangible results in a short time.

4.6.5 The selection of agents has not been fully explained, particularly in the light of a BW programme that continued to expand and develop. The rationale for the selection of the fungal and viral agents is unacceptable.

4.6.6 The downplaying of research and the absence of rationale for genetic engineering, ricin, mycotoxin and virus research is disturbing. The quality of all the scientific information in the FFCD is poor, with more emphasis on methods than on results.

4.6.7 The information on fungal research is incomplete. The account of trichothecenes is sparse and inaccurate, particularly with respect to the time frame of research. Evasive responses were provided by Iraq. Animal toxicity information on aflatoxin is inaccurate and incomplete. Iraq was unable to justify the weaponisation of aflatoxin from the research data obtained. Iraq also agreed that more information is needed on the aflatoxin project.

4.6.8 The information presented on the aerobiology research is incomplete. Iraq's portrayal of the aerobiology programme as immature, with no bearing on other components of the research programme, is contradicted by information held by the Special Commission and provided by Iraq.

4.7 PRODUCTION

4.7.1 Iraq maintained that it was difficult, if not impossible, to provide any verifiable account for production because relevant documents had been unilaterally destroyed. The FFCD does not adequately support the actual production quantities of the four BW agents[5]

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[5] *Clostridium perfringens* (Gas gangrene), *Clostridium botulinum* (botulinum toxin), *Bacillus anthracis* (anthrax) and aflatoxin.

acknowledged to be intended for weaponisation. Iraq maintained that the core document for production data was the '1990 Al Hakam Report' and that production was based on availability of equipment and personnel as well as the filling requirements for weapons. Iraq claims that there was no strategic plan or a co-ordinated effort for agent production.

4.7.2 Iraq has contended in the FFCD that the BW programme turned to existing fermenters within Iraq only after external acquisition sources failed. Evidence does not support this as such existing sources were already obtained before external contracts were sought. Similarly, Iraq contends that initial production of botulinum toxin was dependent on availability of growth media. This is not supported by the evidence. Overall, the expert team considered that production equipment acquisition was better planned and co-ordinated than portrayed by Iraq.

4.7.3 Bulk BW agent production appears to be considerably understated in the FFCD. There is an unexpected and unexplained discrepancy between production capability and stated agent production. There is low confidence in the account of the production of the bacterial agents: *Clostridium perfringens, Clostridium botulinum* (spores and toxin), *Bacillus anthracis* and *Bacillus subtilis* (*Bacillus anthracis* simulant). The use by Iraq of recollection and back-calculation, based on weapons filling needs and/or the '1990 Al-Hakam Report', is flawed. Consequently, the figures are not reliable.

4.7.4 The account of aflatoxin production, production technology and organisation, and weaponisation is implausible. Production methodology for aflatoxin could not provide for the quality and quantity stated in the FFCD.

4.7.5 Iraq steadfastly maintained that fermenter idle times were determined by the need for maintenance of the fermenters or because of failures resulting from contamination. Iraq repeatedly affirmed that production was as stated in the FFCD. The low productivity of fermenters and the significant periods when fermenters were unused were not satisfactorily explained.

4.7.6 The statement by Iraq that all seed cultures were unilaterally destroyed in July 1991 cannot be confirmed.

4.8 WEAPONISATION

4.8.1 Without a full understanding of all aspects of Iraq's BW weapons, it is not possible to assess whether the provisions of Security Council Resolution 687 have been met. The FFCD does not contain the required detail. The FFCD must include numbers, types, markings and a detailed account of individual weapon systems. Discussions of this issue added little of significance. Iraq recognised that this situation can only be rectified by the presentation of a full account, backed-up by documents and physical evidence.

4.8.2 A most disturbing unresolved issue concerns the Al-Hussain BW warheads. The FFCD account of the destruction of the BW warheads cannot be reconciled with the physical evidence. Iraq acknowledges that the FFCD contains incorrect information

regarding Al-Hussain warheads. Weapons declared as 'special chemical' were, in fact, conventional. Recent discoveries, in a pit at Al-Nibai, of what Iraq claimed to be chemical warfare (CW) warheads, were discussed. The UNSCOM evidence that these weapons were BW was presented. Iraq did not respond in detail, 'preferring' to deal with this matter when current excavations are completed. This whole situation casts doubts on many aspects of the Al-Hussain BW warhead programme.

4.8.3 Other issues of importance include the lack of information in the FFCD about all aspects of Iraq's BW aircraft drop-tank project. The significance is greatly underplayed, considering that this weapon appears to be the most efficient produced by Iraq. The evidence that Iraq was investigating patents in this area several years before the claimed start of weapon development is also of concern. The FFCD does not clearly state the agent to be deployed in drop tanks. Iraq has, in the course of inspections, acknowledged that *Bacillus anthracis* was to be used. In the TEM, the Iraqi head of delegation stated, for the first time, that botulinum toxin was to be used although Iraq was unable to offer the technical basis for the choice of this agent.

4.8.4 Within the overall production figures of CW and BW R-400 and R-400A bombs, it is not possible to determine how many weapons were filled with particular agents. As Iraq could not explain inconsistencies in the evidence in this area, no confident assessment can be made of the numbers of BW filled bombs.

4.8.5 Further, but less well defined, aspects of Iraq's BW programme also raise concerns. The denial of any planning or external agencies' involvement in the weapon selection, filling, deployment or destruction, is unacceptable. Weapons research into other systems, including cluster munitions and remotely-piloted vehicles, is inadequately described in the FFCD. This lack of candour also raises the possibility of research or development of, as yet, undisclosed systems.

4.9 MILI 'ARY ORGANISATION

4.9.1 A clea description of the organisations driving, or influencing, the BW programme is critical when assessing its dimension and the significance of the results portrayed. The lack of such descriptions reflects negatively on the credibility of accounts of research and development, production, and the selection and deployment of weapons. Without further physical or documentary evidence, the unclear explanations given, in all of these areas, make it impossible to confirm the information presented in the FFCD.

4.9.2 According to Iraq's account, the involvement of MOD in the BW programme ceased with the transfer of the biology group from Al-Muthanna to TRC which was under the control of MIC. Iraq asserts this MOD link was only re-established specifically for the deployment of weapons in January 1991. The explanation given is that MIC had a higher status than the MOD and was a self-contained entity that could progress from initiation to deployment of weapons without outside input. This is not believable.

4.9.3 The BW weapons would have to have been integrated into Iraq's strategic arsenal. For these, military objectives, the concepts of use and the mechanisms for releasing these weapons must have been defined. This would have required extensive planning, which Iraq denies.

4.9.4 The FFCD portrays Hussain Kamel as the sole key decision-maker and controller of the BW programme after 1987. Links between Hussain Kamel, the MOD and other organisations are vehemently denied. It is assessed that such links must have existed. Without such links, it is difficult to understand how Iraq defined its military requirement and planned for the use of its BW weapons.

4.10 DECEPTION AND CONCEALMENT[6]

4.10.1 Despite the obligations of Security Council Resolution 687, Iraq practised deception and concealment of its BW programme. An elaborate effort was undertaken to conceal and preserve Iraq's BW programme. Iraq has acknowledged this concealment until 1995. Iraq claims that the implementation of the concealment instructions were left to the initiative of individuals and was not a planned and co-ordinated activity. An action as serious as this, without a co-ordinated plan, is absurd. Iraq denies that any deception occurred. Iraq, however, has presented falsified or altered papers, accounts and material to conceal its offensive BW programme. Since February 1996, Iraq has not provided further documentation or plausible explanations for many aspects of its BW programme. It is not certain whether deception with regard to some elements of the BW programme continues.

4.10.2 The scope of Iraq's BW programme, defined in 1995, and in succeeding, FFCDs still does not cover the entirety of the BW programme. The mechanisms by which concealment was accomplished, the organisations and individuals involved, and the underlying philosophy has not yet been presented to the Special Commission. Many technical and military aspects are omitted, misrepresented or trivialised. Consequently, Iraq provided misleading information about the involvement of the MOD, Intelligence Agencies, and Security Organisations in the BW programme.

4.10.3 Equipment, documents, media and seed micro-organisms were all removed from the key BW facilities prior to the 1991 war and returned after this war. Iraq claims that some media were stolen during this process. This claim is, in part, the reason why Iraq cannot account for all the media existing, destroyed, and used. This assertion, however, is contradicted by evidence as well as interview information. Iraq claims that all documents with regard to the BW programme were destroyed in 1991 on orders from Hussain Kamel. This event can not be confirmed. Some documents were preserved and collected, and are allegedly those that have turned up later at the Haidar Farm of Hussain Kamel. The source of these documents can not be established.

4.10.4 Iraq claims that the BW programme was obliterated in 1991 as demonstrated by the unilateral destruction of the weapons deployed, bulk agent and some documents associated

[6] Although deception and concealment were not part of the FFCD, the experts believed that this subject was of significance in understanding the programme from 1991onwards.

with the BW programme. Iraq, however, retained the facilities, growth media, equipment and groupings of core technical personnel at Al Hakam, and continued to deny the BW programme's existence. In spite of Iraq's continued denial of the preservation of its BW programme, the Government of Iraq has yet to offer documentation of its formal renunciation. The head of the Iraqi delegation took the position that he could offer no defence to justify the concealment and deception prior to 1995. These positions and acts raise serious doubts about Iraq's assertion that the BW programme was truly obliterated in 1991.

5. CONCLUSION

5.1 A technical evaluation of Iraq's FFCD was undertaken by the international experts using all the available information as well as Iraq's explanations and clarifications. No additional confidence in the veracity and expanse of the FFCD was derived from the TEM. Iraq did not provide any new technical information of substance to support its FFCD.

5.2 Iraq's FFCD is judged to be incomplete and inadequate. The information presented by Iraq does not provide the basis for the formulation of a material balance or a determination of the structure and organisation of the BW programme. This is required for effective monitoring of Iraq's dual capable facilities.

5.3 The construction of a material balance, based primarily on recollection, provides no confidence that resources such as weapons, bulk agents, bulk media and seed stocks, have been eliminated.

5.4 The organisational aspects of the BW programme are not clear and there is little confidence that the full scope of the BW programme is revealed. Additional aspects, such as the existence of dormant or additional BW programmes, remain unresolved.

5.5 The TEM identified to the Iraqi delegation the depth and extent of the experts' concern about Iraq's biological FFCD.

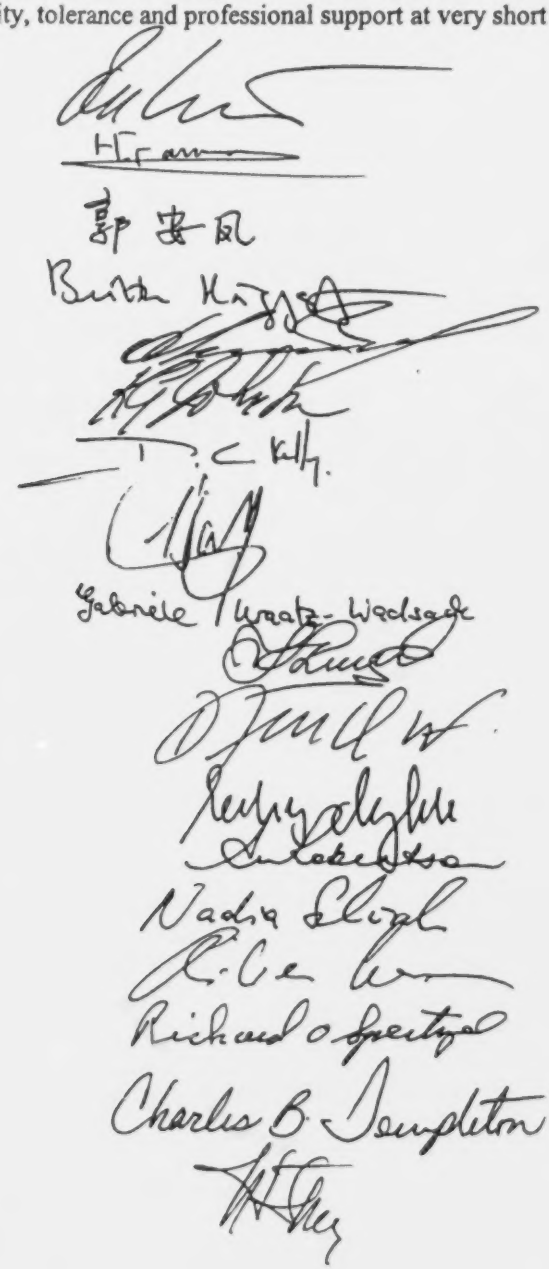
5.6 The responses by Iraq revealed that their delegation was not prepared to tackle the issues in the technical detail demanded by the process. They did not grasp the opportunity offered. The attitude of Iraq as evinced by the TEM toward the discussions was disappointing and shows no change since 1995.

5.7 Iraq, however, recognized the need to improve its FFCD and promised to do so. If this BW TEM results in a significant improvement of the Iraq's declaration, the FFCD, then this is a positive outcome.

5.8 The present report has been jointly prepared by all team members, unanimously approved, and adopted on 01 April 1998.

6. ACKNOWLEDGEMENTS

6.1 The team is grateful to the interpreters and the report writers for their tireless assistance. The team is also grateful to the staff of the Vienna International Centre for its hospitality, tolerance and professional support at very short notice.



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ANNEXES:

A. List of Experts
B. Preliminary Commentary
C. List of Iraqi Delegation
D. Provisional Conclusions

APPENDICES (Transcripts of TEM):

1. Opening Statement
2. History
3. Sites
4. Organisation
5. Acquisition
6. Research and Development
7. Production
8. Weaponisation
9. Military Organisation
10. Concealment Deception and Evacuation
11. Closing Statement